

KEVIN JONES,)	No. C 09-4574 MMC (PR)
)	
Petitioner,)	ORDER OF DISMISSAL;
)	DENYING LEAVE TO
v.)	PROCEED IN FORMA
)	PAUPERIS
JOHN MARSHALL, Warden)	
)	
Respondents.)	
)	(Docket No. 8)

On September 11, 2009, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The the Court notified petitioner in writing that the action was deficient due to petitioner's failure to pay the requisite filing fee or, instead, to submit a completed court-approved in forma pauperis ("IFP") application. Specifically, in said notice, petitioner was advised that he must submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison, and must attach a copy of his prisoner trust account statement showing transactions for the last six months. Petitioner was further advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, petitioner was sent a copy of the court-approved prisoner's IFP application, instructions for completing it, and a return envelope. As of today's date, more than thirty days have passed since the deficiency notice and petitioner has not filed a completed IFP application or paid the filing fee.

1 Accordingly, the above-titled action is hereby DISMISSED without prejudice.

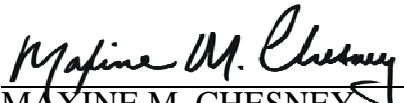
2 Additionally, the incomplete application to proceed in forma pauperis is hereby
3 DENIED and no fee is due.

4 This order terminates Docket No. 8.

5 The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: November 13, 2009

8 
MAXINE M. CHESNEY
9 United States District Judge